

*Smale*

1761

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	16/075,186
Filing Date	2/14/02
First Named Inventor	Fallowes
Art Unit	1761
Examiner Name	Yeung, George Chan Pui
Attorney Docket Number	H5H/FAZ

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Herman Hohauser	
Signature		
Date	April 13, 2004	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Herman Hohauser	
Signature		Date
		Apr 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fallowes, Gary Scott

\* Attorney Docket No: HJH/FAL

Serial No.: 10/075,186

\*

Filed: February 14, 2002

\* Examiner: Yeung, George Chan

Title: Progressive Roasting and  
Toasting Machine

\* Art Unit: 1761

\*

\*

RESPONSE TO OFFICE ACTION REQUIRING RESTRICTION

Assistant Commissioner of Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

This communication is in response to the Official Office Action mailed April 9, 2004 in  
which there is a Shortened Statutory Period for reply of thirty (30) days.

The undersigned recognizes that the originally submitted claims had contained an error in  
the numbering thereof in that there were two claims designated 27 and no claim 28; and

that the examiner has renumbered the second occurring claim 27 as claim 28. No other changes were necessary.

#### DISCUSSION OF RESTRICTION REQUIREMENT

The examiner has taken the position that the claims define two distinct inventions; namely, a process and an apparatus utilized to carry out the process. It is recognized by the undersigned that inventions are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

In the instant case the apparatus claims define an invention that can be used to practice another and materially different process, e.g. for use in holding clothes or tobacco leaves for drying. In addition the method as claimed can be practiced without the specific structural features of the apparatus as claimed.

#### ELECTION OF INVENTION

Applicant hereby elects claims 1-14, 21-23, 28 and 29 drawn to a method of food preparation (Invention I) without traverse for examination on the merits

The examiner is invited to contact the undersigned in the event there is any question or informality to resolve.

Respectfully Submitted,



Herman Hohauser  
Registration No. 29,465  
6212 Berlee Drive  
Alexandria Virginia 22312

Telephone: 703-354-6883  
Facsimile: 703-642-7210  
E-Mail: Hohauser@yahoo.com